THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1642 OF 2005.

Between

G.Ameer son of G.Khadervali

Aged 57 yrs, r/o New Head Post

Office, Dharmavaram, Anantapur dist.

....Appellant

And

1.The Depot Manager, Andhra Pradesh

State Road Transport Corporation,

Dharmavaram depot, Dharmavaram,

Anantapur district and another.

....Respondents

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard Mr.G.Vidyasagar, learned counsel for the appellant and Mr.P.Vinayaka Swamy, learned Standing Counsel appearing on behalf of the 1st respondent corporation.

The unsuccessful writ petitioner is the appellant herein who seeks to assail the award of the Labour Court which is sought to be confirmed the punishment

imposed on him and ordering fresh appointment without giving any retiral benefits.

The only question which is sought to be raised in this appeal is that having ordered fresh appointment, the appellant cannot be denied the incidental benefits which was not considered by the Labour Court from 12-05-1978 to 03-08-1998 and therefore, the same has to be reckoned for the purpose of calculating the retiral benefits.

Having considered the submissions made and on perusal of record, it is seen that there is no dispute with regard to the incidents and action taken which has been confirmed by the Labour Court. However, the Labour Court ordered for fresh appointment without any other benefits. In view of the facts and circumstances of the case especially in view of the fact that the appellant served the corporation from 12-05-1978 to 03-08-1998, there is no justification for denial of the said period for the purpose of calculating the benefits.

In the circumstances, the writ appeal is partly allowed modifying the award with a direction that the aforesaid period i.e, from 12-05-1978 to 03-08-1998 shall be taken into account for the purpose of calculating the retiral benefits. No costs.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 16-09-2005

Hsd